

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Require a Hearing When a Fatality Results from a Motor Vehicle Accident

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 29-A MRSA §2251, sub-§4-A is enacted to read:

4-A. Hearing. Following the receipt of a report of an investigation of an accident that results in death transmitted pursuant to subsection 4, paragraph B, the Chief of the State Police shall immediately transmit the report and all available information to the Secretary of State. The Secretary of State shall conduct a hearing within 30 days of receipt of the report to determine the cause of the accident and whether a driver of a motor vehicle involved in the accident was at fault. Facts verified at the hearing may be used by the Secretary of State in determining whether to suspend or revoke the license of a driver of a motor vehicle involved in an accident involving a human fatality. The hearing must be conducted in accordance with the procedures specified in section 2484. A person whose license is suspended or revoked or other party may, within 30 days after receipt of the decision, appeal to the Superior Court as provided in Title 5, sections 11001 to 11008. If the court rescinds the suspension, it shall also order the Secretary of State to delete any record of the suspension.

Sec. 2. Review of motor vehicle accidents involving death; report. The Chief of the State Police shall transmit to the Secretary of State all reports and available information regarding any motor vehicle accident that involved a human fatality during calendar year 2007. The Secretary of State shall review all reports and pertinent information and obtain any other information necessary to the review. Following the review, the Secretary of State shall report to the joint standing committee of the Legislature having jurisdiction over transportation matters any changes in the law the Secretary of State determines necessary to protect the public from such accidents. The Secretary of State shall submit the report, along with any necessary implementing legislation, to the joint standing committee by January 15, 2009. The joint standing committee may submit a bill to the First Regular Session of the 124th Legislature regarding the recommendations of the Secretary of State.

SUMMARY

This bill requires the Secretary of State to conduct a hearing regarding all motor vehicle accidents involving a human fatality. Facts obtained at the hearing may be used by the Secretary of State to suspend or revoke the license of a driver involved in the accident. As in the current law regarding administrative suspensions, a person whose license is suspended or revoked may appeal the decision of the Secretary of State to the Superior Court.

This bill also requires the Secretary of State to review all motor vehicle accidents that involved a human fatality in 2007 to determine whether any changes to the law are necessary to reduce or prevent such accidents. The Secretary of State is required to submit its findings to the joint standing committee of

the Legislature having jurisdiction over transportation matters for consideration during the First Regular Session of the 124th Legislature.